

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at KNOXVILLE

RODOLFO BORJA TORRES)
Petitioner,)
v.) 3:03-cr-101
) 3:07-cv-035
) *Jordan*
UNITED STATES OF AMERICA)
Respondent.)

JUDGMENT ORDER

In accordance with the accompanying Memorandum, the motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 is **DENIED** and this action is **DISMISSED**. All other pending motions are **DENIED** as **MOOT**. Should the petitioner give timely notice of an appeal from this decision, such notice will be treated as an application for a certificate of appealability, which under the circumstances is **DENIED**. The court **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous. Therefore, this court hereby **DENIES** the petitioner leave to proceed *in forma pauperis* on appeal.

ENTER:

s/ Leon Jordan

United States District Judge

ENTERED AS A JUDGMENT

s/ *Patricia L. McNutt*

CLERK OF COURT